

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1790 of 1996

TO

CIVIL REVISION APPLICATION NO.1793 of 1996

WITH

CIVIL REVISION APPLICATION NO.1832 of 1996

TO

CIVIL REVISION APPLICATION NO.1834 of 1996

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DENISH INDUSTRIES LTD.

Versus

RASAYAN AGENCIES

Appearance:

CRA nos.1790/96 to 1793/96

DR SONIA HURRA for Petitioner

MR PR NANAVATI for Respondent No. 1

CRA nos.1832/96 to 1834/96

MR. PR NANAVATY for Petitioner

DR SONIA HURA for Respondent.

CORAM : THE CHIEF JUSTICE G.D.KAMAT
Date of decision: 12/12/96

ORAL JUDGEMENT

Heard learned Counsels for both the parties.

Civil Revision Applications nos.1790/96 to 1793/96 have been instituted by the original defendants challenging the order granting them conditional leave upon deposit of certain amounts. CRAs nos.1832/96 to 1834/96 have been instituted by the original plaintiffs whereby they invoke proviso to Rule 3 of Order 37 with a grievance that original defendants be directed atleast to deposit the amounts which are admitted by the original defendants. In my view, there is no question of dilating on these matters. Original plaintiff instituted summary suits for recovery of money on goods sold and delivered. It is common ground that the parties had business relations for quite some time. Having regard to the orders made in all the four suits, it is clear that the learned City Civil Judge has directed the original defendants to deposit a sum of Rs.10,85,000/- as condition precedent to defend all the suits. Having considered the arguments, I am satisfied that the amount directed to be deposited could be modified and the same is accordingly modified as under:

In all the four suits the original defendants to deposit a sum of Rs.6 Lakhs within ten weeks from today and out of the deposited sum, Rs. 3 Lakhs is permitted to be withdrawn by the original plaintiffs. The balance of Rs.3 Lakhs shall be deposited in Fixed Deposit Account with automatic renewal and which shall be available for disposal to the trial Court at the time of final disposal of the suit.

Subject to the aforesaid directions and observations, Civil Revision Applications are disposed of.

sf-gdk